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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,561	09/15/2000	Bruce Ha	81450RLO	1796

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EXAMINER
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PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/662,561

Applicant(s)

HA ET AL.

Examiner

Aristotelis M Psitos

Art Unit

2653

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 01 December 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☒ Applicant's reply has overcome the following rejection(s): The rejection of claims 18 & 19.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 18, 19 and 27-34.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 4-9, 11, 12, 14-17 and 20-26.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: see continuation sheet

Aristotelis M Psitos  
Primary Examiner  
Art Unit: 2653



Note 5 continued. Applicants' arguments with respect to the rejections are not considered persuasive for at least the following reasons:

with respect to the Ogata et al reference, the examiner maintains his position that such a controlling element/means is inherently present because both efm and wobble signals are provided to the disc and both are properly recorded thereon - see the discussion with respect to the efm signal described with respect to the disclosure of figure 4, and in Endoh et al see the description at col. 7 line 22 till col. 9 line 35 for also describing both the efm and wobbling signals. Because the systems operate in order to record the appropriate information onto the disc, the examiner concludes the argued laser beam modulation control system must be inherently provided for, and the as stated. With respect to the teaching reference from Auwens et al such teaches the ability of using/having a control unit (control unit 20). Hence the ability of having a controller, control means, etc. so as to provide for overall system cooperation is considered met. The "logic" means is deemed present by the control unit 20, i.e., logic elements are so contained. The examiner does not agree with the argument presented that the control unit 20 of Auwens et al is analogous to the projecting means of the present application. Appropriate dependent claims fall for the reasons previously presented. It is noted that the above amendment (11/29/04) cancels claims 1-3,10,13 and rewrites claim 14 in independent form. The rejections will be appropriately modified in the examiner's answer to reconcile the new claims.

Note 10 continued: The drawing objections is maintained with respect to claim 27. As stated by applicants', figure 31 depicts both a first and second logic element; however, claim 27 recites a singular element - controller and not a plurality of elements, hence the singular element is not depicted in the figures. If applicants' are attempting to equate the word "controller" in claim 27 with --- a control means ---- such is not seen.